

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9  
10 **AT SEATTLE**

11 **LEON AND MARIANELA)** Case No. 2:10-cv-01482-RAJ  
12 **PACKER,** )  
13 Plaintiffs, ) **PLAINTIFFS' FIRST AMENDED**  
14 ) **COMPLAINT FOR VIOLATION**  
15 vs. ) **OF FEDERAL FAIR DEBT**  
16 ) **COLLECTION PRACTICES ACT**  
17 **GC SERVICES LIMITED)**  
18 **PARTNERSHIP,** )  
19 Defendant. )  
20

21 **NATURE OF ACTION**

22 1. This is an action brought under the Fair Debt Collection Practices  
23 Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, and the Telephone Consumer  
24 Protection Act ("TCPA"), 47 U.S.C. § 227.

25 **JURISDICTION AND VENUE**

26 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 47 U.S.C. §  
27

28 AMENDED COMPLAINT FOR VIOLATIONS OF THE FAIR  
DEBT COLLECTION PRACTICES ACT-1

WEISBERG & MEYERS, LLC  
3877 N. Deer Lake Rd.  
Loon Lake ,WA 99148  
509-232-1882  
866-565-1327 facsimile  
jrobbins@AttorneysForConsumers.com

227(b)(3), 28 U.S.C. § 1331, and 28 U.S.C. § 1367(a).

3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where the acts and transactions giving rise to Plaintiffs' action occurred in this State and this district, where Plaintiffs reside in this State and this district, and where Defendant transacts business in this State and this district.

### **PARTIES**

4. Plaintiffs, Leon and Marianela Packer ("Plaintiffs"), are natural persons who at all relevant times resided in the State of Washington, County of Snohomish, and City of Everett.

5. Plaintiffs are "consumers" as defined by 15 U.S.C. § 1692a(3).

6. Defendant, GC Services Limited Partnership ("Defendant") is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiffs, as defined by 15 U.S.C. §1692a(5).

7. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

8. Plaintiffs are natural persons obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiffs' obligation, or alleged obligation, owed or due, or asserted

1 to be owed or due a creditor other than Defendant, arises from a transaction in  
2 which the money, property, insurance, or services that are the subject of the  
3 transaction were incurred primarily for personal, family, or household purposes.  
4

5 10. Defendant uses instrumentalities of interstate commerce or the mails  
6 in a business the principal purpose of which is the collection of any debts, and/or  
7 regularly collects or attempts to collect, directly or indirectly, debts owed or due,  
8 or asserted to be owed or due another.  
9  
10

11 11. Within one (1) year preceding the date of this Complaint, Defendant  
12 made and/or placed a telephone call to Plaintiffs' cellular telephone number, in  
13 effort to collect from Plaintiffs an obligation, or alleged obligation, owed or due,  
14 or asserted to be owed or due a creditor other than Defendant.  
15  
16

17 12. Within one (1) year preceding the date of this Complaint, Defendant  
18 willfully and knowingly utilized an automatic telephone dialing system to make  
19 and/or place a telephone call to Plaintiffs' cellular telephone number, in effort to  
20 collect from Plaintiffs an obligation, or alleged obligation, owed or due, or  
21 asserted to be owed or due a creditor other than Defendant.  
22  
23

24 13. After having received notice from Plaintiffs' attorney to cease  
25 contact with Plaintiffs on July 16, 2010, Defendant placed non-emergency calls to  
26 Plaintiffs' cellular telephone using an automated telephone dialing system,  
27  
28

1 including, but not limited to, the following dates and times: July 21, 2010 @  
2 11:42 A.M. and August 11, 2010 at 10:30 AM PST (15 U.S.C. § 1692c(a)(2), 47  
3 U.S.C. § 227(b)(1)(A)(iii)).  
4

5 14. Defendant's actions constitute conduct highly offensive to a  
6 reasonable person.  
7

### 8 **COUNT I**

9 15. Plaintiffs repeat and re-alleges each and every allegation contained  
10 above.  
11

12 16. Defendant violated the FDCPA as detailed above.  
13

14 WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- 15 a) Adjudging that Defendant violated the FDCPA;  
16  
17 b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C.  
18 §1692k, in the amount of \$1,000.00;  
19  
20 c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. §1692k;  
21  
22 d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in  
23 this action;  
24  
25 e) Awarding Plaintiffs any pre-judgment and post-judgment interest as  
26 may be allowed under the law;  
27  
28 f) Awarding such other and further relief as the Court may deem just

and proper.

## COUNT II

17. Plaintiffs repeat and re-alleges each and every allegation contained above.

18. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly utilizing an automatic telephone dialing system to make and/or place a telephone call to Plaintiffs' cellular telephone number.

WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
- b) Awarding Plaintiffs statutory damages, pursuant to 47 U.S.C. § 227(b)(3)(B), in the amount of \$500.00 per violation;
- c) Awarding Plaintiffs statutory damages, pursuant to 47 U.S.C. § 227(b)(3)(C), in the amount of \$1,500.00 per violation;
- d) Awarding Plaintiffs actual damages, pursuant to 47 U.S.C. § 227(b)(3)(B);
- e) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action;
- f) Awarding Plaintiffs any pre-judgment and post-judgment interest as may be allowed under the law.

**TRIAL BY JURY**

Plaintiffs are entitled to and hereby demands a trial by jury.

Respectfully submitted this 7th day of October, 2010.

s/Jon N. Robbins

Jon N. Robbins

WEISBERG & MEYERS, LLC

Attorney for Plaintiffs